

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOEL PADIN,

Plaintiff,

vs.

NOVARTIS CONSUMER HEALTH,  
INC.,

Defendant.

8:14-CV-120

MEMORANDUM AND ORDER

This matter is before the Court on the Plaintiff's Motion for Reconsideration (filing 55). Although the plaintiff does not specify under which rule of Federal Civil Procedure he makes this motion, the Court construes it as a [Fed. R. Civ. P. 59\(e\)](#) motion.

A district court has broad discretion in determining whether to grant or deny a motion brought under Rule 59(e). [Innovative Home Health Care v. P.T.-O.T. Assoc. of the Black Hills](#), 141 F.3d 1284, 1286 (8th Cir. 1998). A Rule 59(e) motion serves "the limited function of correcting manifest errors of law or fact or to present newly discovered evidence." [Holder v. United States](#), 721 F.3d 979, 986 (8th Cir. 2013) (internal quotation marks omitted). It "cannot be used to introduce new evidence, tender new legal theories, or raise arguments which could have been offered or raised prior to entry of judgment." *Id.*

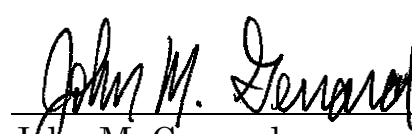
Here, the plaintiff has neither identified a manifest error of law or fact, nor offered newly discovered evidence. Consequently, the Court will deny his motion for reconsideration.

IT IS ORDERED:

1. The Plaintiff's Motion for Reconsideration (filing 55) is denied.

Dated this 23rd day of February, 2016.

BY THE COURT:



John M. Gerrard  
United States District Judge